

**EAST CHICAGO WATERWAY MANAGEMENT DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
July 17, 2013 BOARD MEETING**

A meeting of the Board of Directors of the East Chicago Waterway Management District was held on July 17, 2013 at 4444 Railroad Avenue, East Chicago, Indiana.

Agenda Item I – Call to Order/Roll Call

The meeting was called to order at 5:00 P.M. by Board President, John Fekete followed by a roll call of the Board Members:

BOARD of DIRECTORS PRESENT:

JOHN FEKETE, President
ERESNT JONES, Vice President
RAY LOPEZ, Secretary
MIKE EBERT, Treasurer
JOHN BAKOTA, Board Member
HENRY RODRIGUEZ, Board Member

BOARD of DIRECTORS ABSENT:

RICH GOMEZ, Board Member

ALSO PRESENT:

FERNANDO M. TREVINO, Executive Director, FMT Consulting, Inc.

A quorum of Directors was present, and the meeting was duly convened.

Agenda Item II – Consulting Engineering Report – FMT Consulting, Inc.

Report was given by Fernando M. Trevino of FMT Consulting, Inc., which went over items in the board packets, as well as action items to be taken.

Summary of board packet contents – June 19, 2013 Board Minutes; Keystone Software Systems letter and invoice dated 7/3/2013, Keystone Software Systems Software License Agreement, and Annual Maintenance Agreement, June 30, 2013, Financial Statements by CliftonLarsonAllen; Claim Docket dated June 30, 2013; Resolution 2013-4, ECWMD – A Resolution Regarding Use of Non-Trust Funds and Trust Funds for Great Lakes Legacy Act Project; The Times article dated 7/13/2013, “Fed grant sought for E.C. waterways cleanup”; Memorandum of Understanding (MOU) between Indiana’s Attorney General office and ECWMD regarding collection services; Citizens Financial Bank monthly statements dated 6/28/2013 for accounts ending in 608 and 616; BMO Harris’ ECI Facilities Trust report dated 7/16/2013; BMO bank statements for the June 2013 period for accounts ending in 761, 712, 534; Peoples Bank account statement for the period 4/1/2013

through 6/30/2013 for accounts ending in 046 and 047; email dated 7/16/2013 from Dennis Banas of Praxis regarding strategic planning retreat scheduling; EPA public mailer regarding 7/23/2013 public meeting regarding sediment remediation and habitat restoration in Grand Calumet River and email dated 7/15/2013 from Catlin McCoy regarding the 7/23/2013 public meeting on same; 7/17/2013 Army Corps monthly report to the ECWMD Board; 7/17/2013 Attorney Ellen Gregory monthly report to the ECWMD Board.

Fernando, FMT, gave an update on a few items:

- The dredging observation tour with the Corps will have to be rescheduled. FMT will pursue alternative dates with the Corps and those interested in attending.
- Attorney Gregory and FMT have had several meetings regarding the MOU on today's agenda between the ECWMD and Indiana's Attorney General (AG) to provide assistance with past due user fee collections. The draft presented today reflects the final language that's been negotiated with the AG's office.
- Great Lakes Legacy Act Proposal/Application Update:
 - o On 6/28/2013, John Fekete and FMT gave a presentation on the GLLA project/application proposal to an EPA committee. John did a great job explaining the complicated history of the ECWMD and how ECWMD got to the point of submitting the GLLA project proposal. The presentation must have went well because, since then, Scott Ireland has informed ECWMD of the good news that he's been given approval to move forward with negotiating a project agreement with the ECWMD regarding the proposal.
 - o A reminder that the Board approved a 1st reading of a GLLA Resolution affiliated with proposal at the last board meeting, June 19, 2013, but requires a 2nd reading approval, so the GLLA Resolution is on today's agenda for a 2nd reading approval consideration.
 - o FMT asked Scott Ireland of the EPA to attend today's meeting in the event there are any follow-up questions regarding the proposal or the process. Scott is in attendance.
- Strategic Planning – FMT has reviewed the strategic planning consultant, Praxis', questionnaires to present to stakeholders and provided feedback. There's a tentative meeting scheduled for this Friday, 8:30 am, to kick-off the strategic planning process and to conduct a SWOT analysis. Also, the date for our strategic planning retreat needs to be finalized.
- The Keystone Agreements are included in the board packet. The agreements reflects meetings FMT has had with Keystone and Tim Anderson to assure the software and training provided will meet ECWMD's needs and the contract language has been reviewed by Attorney Ellen Gregory.
- The City has shared their conceptual plans for the south tank farm development with BP. FMT will be contacting the City to see about getting a copy of those plans.
- A meeting was held this morning with FMT, ECWMD's contractor TTMS along with representatives of the EPA, the Corps, the Coast Guard and BP to review boom placement strategies in the canal for oil sheen recovery efforts. TTMS will be drafting a summary of today's assessment along with possible recommendations.
- FMT has been attending various regularly scheduled ongoing meetings including BP's bi-weekly meeting, the Dredging project bi-weekly meeting that includes the Corps and dredging contractor, and meetings affiliated with oil response efforts in the canal.
- Ellen and FMT met with BP's attorney Mike Elam and the Corps on various matters. Ellen will provide updates on items she feels is relevant to report affiliated with those meetings.

- Board President, John Fekete and FMT met EPA and their consultant on July 9, 2013; on EPA's efforts on sustainable communities.
- Mike Nguyen and FMT have recently discussed the Indy Blvd. parkways improvement. FMT asked Mike Nguyen if he could give an update report today to the board.

Agenda Item III – Approval Consideration of Board Meeting Notes

Approval Consideration of the June 19, 2013 Board Meeting Notes – Motion was made by Ray Lopez to approve, and seconded by Henry Rodriguez – all ayes except Ernest Jones who abstained, motion was approved.

Agenda Item IV – Keystone Software Systems Contracts

Motion to approve the two Keystone Software Systems contracts was made by Ray Lopez and seconded by Mike Ebert – all ayes, motion was approved.

Agenda Item V – Accounting Consultant Report

Financials through June 2013 – Tim Anderson presented and summarized the financial reports prepared by CliftonLarsonAllen.

- Statement of Cash Receipts and Cash Disbursements, For the Six Month Ended June 30, 2013,
- Schedule 1 – Summary of Cash Account Activity, For the Six Month Ended June 30, 2013,
- Schedule II – Balance Available Budget, as of June 30, 2013
- Accounts Payable Voucher Register dated July 17, 2013

There were no questions on the reports presented by Tim Anderson.

Agenda Item VI – Approval Consideration - Accounts Payable Voucher Register, July 17, 2013

Approval Consideration of the Accounts Payable Voucher Register dated July 17, 2013 – Motion was made by Mike Ebert to approve and seconded by Henry Rodriguez, all ayes, motion was approved.

Agenda Item VII – Great Lakes Legacy Act Resolution, 2nd Reading

Approval Consideration of the Great Lakes Legacy Resolution, 2nd Reading. President Fekete reminded everyone that the 1st reading of the resolution was reviewed and approved at the last board meeting and now requires a 2nd reading and approval. Motion was made to approve the 2nd reading of the resolution by Ray Lopez and seconded by Henry Rodriguez, all ayes, motion was approved.

Agenda Item VIII – MOU with Attorney General, User Fee Collections

Approval Consideration of the MOU with the Attorney General to assist the ECWMD with past due user fee collections. Motion was made to approve the MOU by Ray Lopez and seconded by Henry Rodriguez, all ayes, motion was approved.

Agenda Item IX – Harris BMO Trust Report

President Fekete mentioned that David Alonzo was not able to attend today's meeting and asked if there were any questions on the report submitted by BMO Harris. There were no questions or comments. President Fekete accepted the report into record.

Agenda Item X – Army Corps of Engineers Report

Mike Nguyen gave an update on various ongoing Corps projects:

- Dredging operations. Dredging operations was suspended on several occasions due to crane problems. Dredging operations resumed on July 11, 2013, and dredging is expected to be completed by early August 2013.
- The retrofitting of the main entrance ramp is scheduled to begin towards the end of July 2013.
- The wellpoint project design has been completed at packages have been sent out to contractors for bids which are expected by next month.
- They are currently working on the scope of work for the stabilizers and parkway improvement. A meeting will be held with FMT regarding the parkway improvement.
- The Corps is gathering information regarding the TSCA permit.
- The oil boom across the canal is scheduled to be reinstalled after the dredging is completed in early August 2013.
- PCA – A meeting was held with Ellen and FMT to discuss the status of the PCA and the Corps introduced their new attorney to help work on the PCA.

Agenda Item XI – Attorney Ellen Gregory Report

- Negotiations with the Consent Decree are continuing as well as the BP bi-weekly meetings. The Department of Justice has assigned a new attorney, Jeff Spears, to work on the negotiations.
- PCA – a meeting was held July 3, 2013, with the Corps and the new Corps attorney, Jim Roth, was introduced. Hopefully with the new attorney on board, the PCA negotiations can move forward. Ellen and FMT will be gathering financial information for in-kind consideration after 2008 to-date.
- Great Lakes Legacy Act – we will be moving forward with the project agreement with the EPA.
- User Fees – now that the MOU with the Attorney General's office has been approved, we will be working with them to resolve unpaid user fees.

Agenda Item XII – New Business

President Fekete called for new business. FMT invited Scott Ireland of the EPA to address the board since he invited Scott to attend the meeting in the event there were any additional questions on the Great Lakes Legacy Act project application.

Scott thanked the board for the application and thinks it will be an excellent project to work with ECWMD and is very excited.

- Scott stated that the application is not a grant application. This is considered a project application and ECWMD is viewed as a partner.
- The EPA attorney will start drafting a project agreement for ECWMD's review, comments and eventual approval. The agreement will outline the scope of work. EPA will meet with the contractor to review phases, set-up project teams and project meetings so everyone's on the same page. This is not EPA's project and it's not ECWMD's project, it's a team project together.
- Once the project agreement is signed then we can meet to discuss accounting for in-kind contribution. Any cost prior to the signing of the project agreement does not count towards in-kind contribution.
- Scott estimates it will take a week and a half to get the project agreement to ECWMD. Scott will forward to FMT who he assumes is their contact person. John Fekete confirmed to work through FMT.
- EPA intends to get public, community, and board members input within this project and the remediation phase. Scott would like to hear any preconceived ideas or visions as soon as possible so they can plan in advance for its consideration.
- Scott reminded everyone that this project scope does not include the remediation phase which will be done separately. All the work in the current project scope is necessary for the remediation.
- The EPA is having a public meeting on Tuesday, 7/23/13, regarding Grand Calumet River Remediation Project (for the sediment remediation and habitat restoration work between Cline and Kennedy Ave.) at East Chicago's Main Library, 1008 W. Chicago Ave., from 3 to 7 p. m. This type of public meeting is a common EPA practice to communicate with the public regarding their projects. They use various methods to advertise public meetings including sending announcements through the City's water bills.

Agenda Item XIII – Other Business

President Fekete called for other business. No other business.

Agenda Item XIV – Public Comments

President Fekete called for public comments. No public comments.

Agenda Item XV – Next Board Meeting

President Fekete announced that the next ECWMD Board meeting is scheduled for August 21, 2013 at 5:00 p.m. at the City Engineering/Annex Building.

Agenda Item XVI – Adjournment

Mike Ebert moved to adjourn the meeting and seconded by Ernest Jones, all ayes, motion was approved.

These meeting notes for the July 17, 2013, Board Meeting were presented and approved by the ECWMD Board of Directors at the August 21, 2013, Board Meeting.



Raymond Lopez
ECWMD Board of Directors, Secretary